

## **REMARKS**

In the Office Action, claims 1, 5, 26, 29 and 31-34 were rejected, and claims 2-4, 6-25, 27, 28, 30 and 35-38 were withdrawn from consideration. By the present Reply and Amendment claims 1 and 26 have been amended, claims 6-10 have been canceled without prejudice, new claims 39-42 been added and claims 1, 5, 26, 29, 31-34 and 39-42 are pending in the present application. All new claims and claim amendments are fully supported throughout the written description and figures of the specification.

In the Office Action, the title was objected to as being too long. Accordingly, the title has been amended as set forth above and such amendment is believed to satisfy the Examiner's objection.

Claims 1, 5, 26, 29 and 31-34 were rejected under 35 USC 102(e) as anticipated by the Besselink reference, US Patent No.: 6,488,702. Independent claims 1 and 26 have been amended to clarify certain aspects of the invention and, along with dependent claims 5, 29 and 31-34, are patentably distinct over the cited reference.

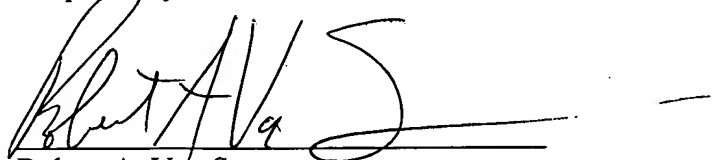
The Besselink reference describes a new type of stent having a negative spring rate and a bistable function. The construction of the stent allows it to be easily and elastically compressed around a balloon by finger pressure. Specifically, the stent snaps to a stable, smallest diameter for holding the balloon, in a deflated condition, onto the surface of a catheter. Once the stent has been moved into a patient's body, the balloon can be inflated until the stent reaches a critical elastic equilibrium diameter. Beyond this diameter, the stent automatically expands to its final largest diameter. At this largest diameter, the stent has its maximum stability against radial pressure. Alternate embodiments of the stent also are described in which, for example, the stent is described as capable of stepwise expansion or expansion to several external diameters along its length for better adaptation to the shape of a patient's body cavity. The invention is described as directed to bistable or multistable cells utilized in medical devices. (Column 2, line 17 through column 3, line 17).

The Besselink reference, however, does not describe or suggest the presently claimed "well device" having an expansion member that may be in a contracted state for movement along a well bore, wherein the "expansion member is expandable" at a desired location in the well bore, as recited in amended, independent claim 1. Similarly, the cited reference does not disclose or suggest creating a plurality of bistable cells in a "well device" and "moving the well device to a desired location within a well bore" as recited in amended, independent claim 26.

Claim 5 depends from independent claim 1 and is patentable for the reasons provided above with respect to claim 1 as well as for the unique subject matter recited therein. Claims 29 and 31-34 ultimately depend from independent claim 26 and are patentable for the reasons provided above with respect to claim 26 as well as for the unique subject matter recited in each of those dependent claims. New claims 39-42 depend from amended, independent claim 1 and also are believed patentably distinguishable over the cited reference. The subject matter of new claims 39-42 is supported throughout the specification and figures. For example, the discussion on pages 28-29 of the specification supports the subject matter recited in the newly added claims.

In view of the foregoing remarks, the pending claims are believed patentable over the cited references. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert A. Van Someren', is written over a horizontal line.

Robert A. Van Someren  
Reg. No. 36,038

Date: July 2, 2004

PO Box 2107  
Cypress, TX 77410-2107  
Voice: (281) 373-4369